

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 76653

Manhk Enterprises LLC
1531 Kirkwood Road
Baltimore MD 21207

143 Back River Neck Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 30, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 32-3-102; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1Bo1.1A, 1B01.1D, 428, 500.9 Zoning Commissioners Policy Manual, failure to comply with site plan-remove vehicles parked on grass; no damaged/disabled vehicles can be stored in a screened area, failure to cease open dump conditions on residential property zoned BL-AS known as 143 Back River Neck Road, 21221.

On June 3, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$8,000.00 (eight thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 28, 2010 for removal of untagged/inoperative motor vehicles, violation of commercial site plan, remove trash and debris, cut and remove tall grass and weeds, store garbage in containers with tight lids, remove parked vehicles from grass. This Citation was issued on June 3, 2010.

B. Photographs in the file of this commercial property show multiple untagged and disabled motor vehicles parked outside. Some vehicles have visible collision damage, or flat tires. Review of the file shows that this property's site plan provides only for use as a fuel service station, with no provision for use as a service garage or for storage of disabled or damaged vehicles. If the property is used for a service garage, the vehicle storage area would have to be screened and paved. BCZR 405A. Such an area would have to be approved by the County pursuant to a properly submitted site plan.

C. Photographs in the file show scattered trash and debris, and bagged garbage or trash sitting on the ground, and old tires stacked on the ground. This violates prohibitions against the accumulation of junk, trash and debris on private property. BCC Section 13-4-201. This also constitutes an open dump, which under the County's Zoning Regulations is not a permitted use on this property. BCZR Section 101.1 (Open Dump: "Any land ... on which there is deposit and accumulation, either temporary or permanent, of any kind of organic or inorganic refuse...")

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below, with all junk, trash, debris and garbage removed from the site or properly stored; and with all damaged or disabled vehicles removed from the site OR stored pursuant to a County-approved site plan and zoning variance if required.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$4,000.00 (four thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$400.00 (four hundred dollars) if the violations are corrected by August 10, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 7th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer